

Misbranding of the said second-class cottonseed meal was alleged for the reason that the statements, to wit, "Second Class Cotton Seed Meal \* \* \* Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent 36% protein)," borne on the label, were false and misleading, in that the said statements represented that the article was second-class cottonseed meal containing 7 per cent of ammonia, the equivalent of 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was second-class cottonseed meal containing 7 per cent of ammonia, equivalent to 36 per cent of protein, whereas it was not, but was a cottonseed feed containing less than 7 per cent of ammonia, the equivalent of 36 per cent of protein.

Adulteration of the cottonseed feed was alleged for the reason that a cottonseed feed deficient in protein (nitrogen) and containing excessive fiber had been substituted for an article billed, labeled, and invoiced as aforesaid.

Misbranding of the said cottonseed feed was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 36.00%, \* \* \* Nitrogen 5.75%, Fibre 14.00%," borne on the label, were false and misleading in that the said statements represented that the article contained 36 per cent of protein, 5.75 per cent of nitrogen, and 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, 5.75 per cent of nitrogen, and 14 per cent of fiber, whereas it contained less than 36 per cent of protein, less than 5.75 per cent of nitrogen, and more than 14 per cent of fiber.

Misbranding was alleged with respect to the articles for the further reason that they were offered for sale under the distinctive name of another article, to wit, cottonseed meal, which they purported to be but were not.

On February 13, 1928, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

**15696. Adulteration and misbranding of butter. U. S. v. Cordele Creamery & Cold Storage Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 22534. I. S. No. 13615-x.)**

On December 23, 1927, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cordele Creamery & Cold Storage Co., a corporation, Cordele, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about May 18, 1927, from the State of Georgia into the State of Florida, of a quantity of butter which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

On February 13, 1928, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

**15697. Adulteration of fig squares. U. S. v. 20 Boxes of Fig Squares. Default order of destruction entered. (F. & D. No. 22335. I. S. No. 13097-x. S. No. 382.)**

On January 4, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of fig squares, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Merchants Biscuit Co., from Denver, Colo., on or about November 16, 1927, and transported from the State of Colorado into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fig Squares The Merchants Biscuit Company, Denver."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On March 17, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product adulterated and ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15698. Adulteration of figs. U. S. v. 350 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22636. I. S. No. 25432-x. S. No. 669.)

On March 13, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 350 boxes of dried figs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Habich Braun & Co., from New York, N. Y., November 17, 1927, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "E. F. E. Brand, \* \* \* Pulled Figs, Packed by M. Nazini, Topjoglou, Smyrna, Turkey."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 27, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15699. Adulteration of apples. U. S. v. 26000 Pounds of Winesap Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21363. I. S. No. 848-x. S. No. C-3046.)

On or about November 12, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26,000 pounds of winesap apples at Garden City, Kans., alleging that the article had been shipped by C. F. Schoening from Fruitvale, Colo., on or about October 28, 1926, and had been transported from the State of Colorado into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic trioxide, which rendered it injurious to health.

On January 31, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15700. Adulteration and misbranding of butter. U. S. v. 57 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22685. I. S. No. 21898-x. S. No. 686.)

On March 14, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 57 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Land O'Lakes Creamery, Inc., Minnesota Transfer, Minn., on or about March 2, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 27, 1928, the Great Atlantic & Pacific Tea Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,824, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*